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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,423	08/29/2006	Reiji Hasegawa	00862.521840.	4490

5514 7590 05/26/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

KASRAIAN, ALLAHYAR

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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05/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/598,423		HASEGAWA ET AL.	
	Examiner		Art Unit	
	ALLAHYAR KASRAIAN		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date: 8/29/2009, 6/14/2007, and 03/09/2010.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 03/09/2010, 06/14/2007 and 08/29/2006 have been considered by the Examiner and made of record in the application file. However, the NPL documents provided on 03/09/2010 and 08/29/2006 are NOT considered since the English translation is not provided.

Drawings

3. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

5. Claims 1 are objected to because of the following informalities:
- a) On **line 5 of claim 1**, insert --image processing-- before “apparatus”;
- Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 1, 2, 10, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Imai et al. (US Patent Application Publication # 20030123074 A1)** (hereinafter Imai) in view of **Lam et al. (US Patent Application Publication # 20030142683 A1** - presented by Applicant) (hereinafter Lam).

Consider **claims 1 and 10**, Imai discloses an image processing apparatus and control method for the image processing apparatus connected with a communication terminal having a USB host controller via a USB interface having a USB function controller (FIGs. 1 and 15, par. 0002, 0056), the apparatus comprising:

operation means, operated by a user, for inputting information to arrange information related to the network (FIGs. 1 and 15, par. 0009, 0052);

issuance means for issuing a data-receiving request to the communication terminal via the USB interface (FIGs. 1 and 15, par. 0013, 0056);

transmission means for transmitting the information related to the network, arranged by input using said operation means, to the communication terminal, in correspondence with a data-request command sent from the USB host controller in response to the data-receiving request (FIG. 1, par. 0056-0057); and

communication control means for communicating with the information processing apparatus via the communication terminal using the information related to the network (FIGs. 1 and 15, par. 0010, 0053).

However, Imai fails to disclose the image processing unit transmitting and receiving data to/from an information processing apparatus included in a network with

which the communication terminal is connected.

In the same field of endeavor, Lam discloses the image processing unit transmitting and receiving data to/from an information processing apparatus included in a network with which the communication terminal is connected (FIG. 2, par. 0035 for any of image processing units (the peripheral devices) 44, -58, the multi-access station 38, considered as the communication terminal, and computer 10, considered as the information process apparatus).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the multi-access station between an image processing device and a computer as taught by Lam to the connection between image processing device and a personal computer disclosed by Imai for purpose of using a local router to allow communication between different devices.

Consider **claims 2 and 11**, Imai as modified by Lam discloses the claimed invention **as applied to claims 1 and 10 above**, and Imai further discloses the image processing apparatus further comprising: means for issuing a data request to the communication terminal via the USB interface (par. 0096, 0108); and reception means for receiving the information related to the network sent from the USB host controller in response to the data request (par. 0096, 0108).

8. **Claims 3 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Imai et al. (US Patent Application Publication # 20030123074 A1)** (hereinafter

Imai) in view of **Lam et al. (US Patent Application Publication # 20030142683 A1** - presented by Applicant) (hereinafter Lam) in view of **Applicant Admitted Prior Art (Background Art section of current Application)** (hereinafter AAPA).

Consider **claims 3 and 12 as applied to claims 1 and 10 above**, Imai as modified by Lam discloses the claimed invention except wherein the network is a wireless network, and the information related to the network includes an encryption key in the image processing apparatus and the information processing apparatus.

In the same field of endeavor, AAPA discloses wherein the network is a wireless network, and the information related to the network includes an encryption key in the image processing apparatus and the information processing apparatus (page 2, lines 12-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate an encryption key to between a PC and a multi-function device as taught by AAPA to method of the wireless connection between the peripheral devices and the computer disclosed by Imai as modified by Lam for purpose of providing safe connection between the devices in a wireless network.

9. **Claims 4-6, 8, 9, 13-15, 17, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lam et al. (US Patent Application Publication # 20030142683 A1** - presented by Applicant) (hereinafter Lam) in view of **Imai et al. (US Patent Application Publication # 20030123074 A1)** (hereinafter Imai).

Consider **claims 4 and 13**, Lam discloses an image processing system and a control method for an image processing system, comprising:

a wireless communication unit having a wireless communicator and a USB host controller, configured to execute data transmission/reception to/from an information processing apparatus via a wireless communication channel (FIGs. 2 and 7, par. 0035 and 0037 for multi-access station 38, considers as wireless communication unit, and computers 10, considered as the information processing apparatus; or FIG. 1D, par. 0010);

an image processing unit having a console and a USB function controller and connected with said wireless communication unit via a USB interface, configured to arrange a value for communication by said wireless communication unit via the wireless communication channel (FIG. 2, par. 0037, for peripheral devices 44-56, considered as an image processing unit; or FIG. 1D, par. 0010);

However, Lam fails to explicitly disclose transfer means for transferring the value, arranged using the console, from said image processing unit to said wireless communication unit, wherein data transfer is enabled between the information processing apparatus and said image processing unit based on the value transferred by said transfer means.

In the same field of endeavor, Imai discloses transfer means for transferring the value, arranged using the console, from said image processing unit to said wireless communication unit (FIG. 1, par. 0052, 0056-0057),

wherein data transfer is enabled between the information processing apparatus

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and said image processing unit based on the value transferred by said transfer means (FIG. 1, par. 0052, 0056-0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate transferring user data input through a USB connection as taught by Imai to the peripheral devices disclosed by Lam for purpose of transferring inputting data from peripheral devices to the computer through the multi-access station.

Consider **claims 5 and 14 as applied to claims 4 and 13 above**, Imai further discloses wherein said wireless communication unit requests said value from said image processing unit in correspondence with a data-receiving request command received from said image processing unit via said USB interface (par. 0096, 0108).

Consider **claims 6 and 15 as applied to claims 4 and 13 above**, Imai further discloses wherein said wireless communication unit transmits the value to said image processing unit in correspondence with a data-request command received from said image processing unit via the USB interface (par. 0096, 0108).

Consider **claims 8 and 17 as applied to claims 4 and 13 above**, Imai further discloses wherein said image processing unit further has a USB hub connected with said wireless communication unit, and wherein the console is connected with a first USB function controller, and the value is arranged for said wireless communication unit

from the console through the first USB interface (par. 0013, 0055-0056).

Consider **claims 9 and 18 as applied to claims 4 and 13 above**, Imai further discloses wherein said image processing unit further has a display unit and a second USB function controller, and wherein the display unit displays a value inputted from the console via the second USB function controller (par. 0055-0057).

10. **Claims 7 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lam et al. (US Patent Application Publication # 20030142683 A1** - presented by Applicant) (hereinafter Lam) in view of **Imai et al. (US Patent Application Publication # 20030123074 A1)** (hereinafter Imai) in view of **Applicant Admitted Prior Art (Background Art section of current Application)** (hereinafter AAPA).

Consider **claims 7 and 16 as applied to claims 4 and 13 above**, Lam as modified by Imai discloses the claimed invention except wherein the value includes an encryption key to perform wireless communication via said wireless communication unit.

In the same field of endeavor, AAPA discloses wherein the value includes an encryption key to perform wireless communication via said wireless communication unit (page 2, lines 12-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate an encryption key to between a PC and a multi-function device as taught by AAPA to method of the wireless connection

between the peripheral devices and the computer disclosed by Lam as modified by Imai for purpose of providing safe connection between the devices in a wireless network.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- a. Nagashima et al. (U.S. Patent # 6275988 B1) disclose Image transmission apparatus, image transmission system, and communication apparatus.
- b. Watanabe et al. (U.S. Patent Application Publication # 20030175025 A1) disclose Image sensing apparatus and signal processing apparatus.
- c. Kawanabe et al. (U.S. Patent Application Publication # 20030174351 A1) disclose Image printing apparatus, image printing system and control method.
- d. Kamataki (U.S. Patent Application Publication # 20050038923) disclose Electronic apparatus, processing method and program.
- e. Dove (U.S. Patent Application Publication # 20050037807 A1) disclose Interface device coupled to PC host via USB.

12. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Allahyar Kasraian whose telephone number is (571) 270-1772. The Examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

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/Allahyar Kasraian/

Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617

May 22, 2010